IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.Rev.Pet.No. 1084 of 2007(E)

CC.385/2006 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI
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REVN. PETITIONER:

GANESA MOORTHY, S/O. S.P.SIVARAMA IYYER, VII/823-A
ILLIKKAL SUBRAHMANYAM TEMPLE ROAD
CHAKKAMPADOM, COCHIN - 2.

BY ADV. SRI.P.V.JAYACHANDRAN
SRI.M.S.SAJEEVKUMAR

RESPONDENTS:
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1. K.A. ALEX, PROPRIETOR,
CHILL SPOT, AUTO AIR CONDITIONERS,
CC XIII/465, CHULLIKKAL, COCHIN - 5.

2. SATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERLA.

R2 BY PUBLIC PROSECUTORMR. C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1084 of 2007

DATED THIS THE 12th day of March 2007

ORDER

The revision petitioner is the complainant in the proceedings initiated under Section 138 of the Negotiable Instruments Act. The complaint was dismissed under Section 204(4)Cr.P.C. It is submitted that the omission was occasioned on account of the lapse on the part of the Advocate's clerk. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further pursue the matter. The revision petitioner shall appear before the Judicial First Class Magistrate-II, Kochi on 12-4-2007. The Crl.revision petition is disposed of accordingly.

Sd/-

K.R.UDAYABHANU, JUDGE

ks. **TRUE COPY**

P.S.TO JUDGE